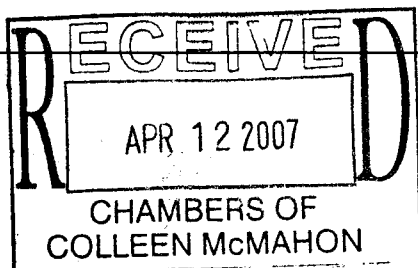


U.S. Department of Justice

*United States Attorney
Southern District of New York*



*United States Courthouse
300 Quarropas Street
New York, New York 10601*

April 12, 2007

BY HAND

The Honorable Colleen McMahon
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

**Re: United States v. Hurgenes Pignard
S 06 Cr. 718 (CM)**

Dear Judge McMahon:

The Government submits this letter to address some matters pertaining to the trial in the above case.

Witness List and Order

The enclosed witness list contains a list of names and entities about which the jury panel should be asked. The list contains the trial witness names in the anticipated order that they will be called to testify. 3500 material for all of the witnesses already has been produced to defendant's counsel.

Because Your Honor wanted to know the order that we will call our witnesses, we would like to alert the Court about a potential scheduling conflict for two of our witnesses, which may arise if we start but do not finish with the testimony of Byron Lindsay on April 16. Both witnesses are victims who were abducted at gunpoint and it is anticipated that their respective testimonies will be brief.

Witness (victim) Reda Youssef and his family have relocated and he is scheduled to depart from the region in the late afternoon of April 17, 2007. Accordingly, the Government respectfully requests permission to call him as the first witness of the day on

April 17, whether or not we have finished the testimony and/or the cross examination of cooperator Byron Lindsay at the conclusion of April 16.

Similarly, witness Jeocanda Regal will be traveling a substantial distance to testify and she speaks very limited English. Accordingly, we have arranged for an interpreter to assist with her testimony on April 17 and would like to call her to testify immediately after the testimony of Reda Youssef.

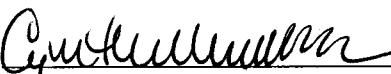
If we finish with Byron Lindsay's testimony on Monday, (or if he has not started his testimony), then we will call Mr. Youssef and Ms. Regal as our first witnesses and Mr. Lindsay will follow.

Defendant's Admission

In addition, during the course of the investigation, before his arrest, the defendant was interviewed by investigating agents and made some admissions that the Government intends to offer at trial, through the testimony of Detective Steven Toth. The Government respectfully requests an Order precluding the defense from questioning the Detective about the self-serving exculpatory statements that the Defendant made in that interview, that are not otherwise admissible.*

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: 
CYNTHIA K. DUNNE
Assistant United States Attorney
(914) 993-1913

cc: William Gerard, Esq. (BY FAX)

*Rule 106 governs only writings, see *United States v. Terry*, 702 F.2d 299, 314 (2d Cir.), cert. denied, 461 U.S. 931, 103 S.Ct. 2095, 77 L.Ed.2d 304 (1983); 1 J. Weinstein & M. Berger, *Weinstein's Evidence* ¶ 106[01], at 106-4 (1986 ed.), since in practice verbal precision cannot be expected when the source of evidence as to an utterance is the memory of a witness. See generally 7 Wigmore on Evidence § 2097, at 608- 11 (Chadbourn rev. ed. 1978). However, courts historically have required a party offering testimony as to an utterance to present fairly the "substance or effect" and context of the statement.

UNITED STATES V. HURGENES PIGNARD
S 06 Cr. 718 (CM)

TRIAL WITNESSES

1. Byron Lindsey
2. Reda Youssef
3. Jeocanda Regal
4. Quincy Lee
5. Eldon Daly
6. Jemal Bussey
7. Jerald S. Keator
8. Edy Teller
9. Tina Campolo
10. Dianna Callanan
11. Clifford O'Neill
12. Patricia Hunter
13. Detective Stephen Toth, Orangetown Police Department
14. Brian Keith
15. FBI Summary Agent to analyze phone and gym records
16. Detective Brian Holihan, Piermont Police Department

NAMES THAT MAY BE MENTIONED IN THE COURSE OF THE TRIAL

Richard Regis
Courtney Carreras
Alex Dennis
Special Agent Andrew Leithead, FBI
Special Agent Thomas King, FBI
Special Agent Richard Claflin, FBI
Detective Robert Goldrick, Orangetown Police Department

PLACES OR ENTITIES THAT MIGHT BE MENTIONED:

344 Divine Corners Road, Loch Sheldrake, New York
101 Fairview Avenue, Spring Valley, New York
2705 Seymour Avenue, Bronx, New York
El Mundo Gigante, 19 West Fordham Road, Bronx, New York
RIA Financial Services, 214 East 170th Street, Bronx, New York

David's Check Cashing, 2 North Highland Avenue, Nyack, New York
FAMA, 240 Main Street, Nyack, New York
Charter One Bank, 253 North Main Street, Spring Valley, New York
First National Bank of Jeffersonville, 1278 Route 52, Loch Sheldrake, New York
Palisades Federal Credit Union, 300 North Middletown Road, Pearl River, New York
Bank of New York, 1636 Marcus Avenue, New Hyde Park, New York